

REMARKS

The foregoing amendment is supplemental to the previously filed amendment of November 5, 2007 and is being filed in order to cancel all withdrawn claims and place the application in order for allowance, as discussed with the Examiner on January 31, 2008 and February 6, 2008. Additionally, claims 61 to 68 have been canceled without prejudice or disclaimer, and independent claims 1, 18, 37, and 50 have been amended to incorporate elements from canceled independent claims 61, 63, and 67. Since the amendment adds subject matter to previously allowable claims, it is submitted that these claims should still be allowable, and since no new limitations are added (the added subject matter was present in canceled independent claims previously considered by the Examiner), it is submitted that no further search should be required.

Following the foregoing amendment, claims 4 to 7, 10, 12, 13, 16, 17, 19, 20, 23, 25, 28, 29, 31 to 34, and 42 to 48, 54, 57, 58, and 61 to 68 have been canceled without prejudice or disclaimer. This includes all previously withdrawn claims. Applicant intends to file divisional applications directed to the non-elected embodiments which are the subject of some of the cancelled claims.

Following this amendment, the claims remaining in this application are claims 1 to 3, 8, 9, 11, 14, 15, 18, 21, 22, 24, 26, 27, 30, 35, 36, 37 to 41, 50 to 53, 55, 56, 59 and 60, with claims 1, 18, 37, 50, and 51 being the independent claims.

In the telephone interview of January 31, 2008, an obviousness-type double patenting issue was discussed, and the Examiner indicated that this was the only remaining rejection and that the claims were otherwise in order for allowance. Subsequently a terminal disclaimer was faxed to the Examiner on the same date, in order to overcome this issue with respect to two co-pending applications which have been allowed. It was agreed that no terminal disclaimer was needed in respect of the more recently filed pending applications discussed in the interview (See MPEP 804 I(B)(1)). A copy of the terminal disclaimer is submitted herewith, since the terminal disclaimer sent by fax has not yet been entered in the transaction history or image file wrapper, although the terminal disclaimer fee is shown as being paid (see Fee Worksheet of January 31, 2008). The terminal disclaimer and the foregoing amendment to cancel all withdrawn claims, as requested by the Examiner in a subsequent telephone conversation on February 6, are believed to place this application in order for allowance.

As noted above, some additional amendments have been made in independent claims 1, 18, 37, and 50, in order to distinguish these claims more clearly from prior art of record such as U.S. Patent No. 6,605,024 of Stearns, and in the case of claim 18, U.S. Patent Nos. 6,264,588 of Ellis and U.S. Patent No. 6,916,278 of Webber. Claim 1 and 50 include limitations from canceled claim 67, claim 18 includes limitations from canceled claim 61 in addition to limitations from claim 1 as regards weight distribution in the exercise start and end position, and claim 37 includes limitations from canceled claim 63. Since these claims were already indicated by the Examiner to be allowable once the obviousness type double patenting rejection was overcome, it is submitted that they should still be allowable following this amendment.

CONCLUSION

It is believed that all claims remaining in this application are now in condition in all respects for allowance, and early notice to this effect is earnestly solicited. If the Examiner has any other questions or comments or believes that a telephone conversation may be useful in advancing prosecution, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch LLP

Dated: March 5, 2008

By: Katherine Proctor
Katherine Proctor
Reg. No. 31,468

Procopio, Cory, Hargreaves & Savitch LLP
Customer No. 27189
530 B Street, Suite 2100
San Diego, California 92101-4469
T. (619) 238-1900
F. (619) 235-0398
Customer No.: 27189